

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL VAN WINKLE,

Plaintiff,

v.

No. 1:23-cv-969 DHU/KRS

FANTON LOGISTICS, INC.,
CHEROKEE INSURANCE COMPANY, and
LASHA KVERNADZE,

Defendants.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on Plaintiff's Response to the Court's Order to Show Cause, filed March 11, 2024. (Doc. 24). The Court ordered Plaintiff to show cause why this case should not be dismissed as to Defendant Kvernadze for failure to prosecute. (Doc. 23). Plaintiff states he has been unable to serve Defendant Kvernadze because Defendant Kvernadze is not presently in the United States. (Doc. 24). Plaintiff also filed a Motion to Amend Complaint and Vacate Show Cause Order, in which he seeks to file an amended complaint dismissing his claims against Defendant Kvernadze. (Doc. 25). Based on Plaintiff's Response to the Order to Show Cause and Motion to Amend, the Court QUASHES the Order to Show Cause. The Court will set a Rule 16 Scheduling Conference by separate order.



KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE